

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 03-64

Introduced by Council President Wagner at the request of the County Executive

Legislative Day No. 03-30 Date December 2, 2003

AN EMERGENCY ACT to add new Subsection F to Section 267-43, Approval, of Article VII, Design Standards for Special Developments, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to establish standards for certain Agricultural / Commercial uses; to permit Agricultural / Commercial uses as a special development; and generally relating to Agricultural / Commercial uses.

Date: December 2, 2003

Introduced, read first time, ordered posted and public hearing scheduled

on: January 6, 2004

at: 7:45 p.m.

By Order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 6, 2004, and concluded on, January 6, 2004.

Barbara J. Ruth, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By the County Council of Harford County, Maryland, That new Subsection F be added to Section 267-43, Approval, of Article VII, Design Standards for special Developments, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, all to read as follows:

Chapter 267. Zoning.

Part 1. Standards.

Article VII. Design Standards for Special Developments.

Section 267-43. Approval.

F. AGRICULTURAL/COMMERCIAL.

(1) GENERAL PROVISIONS.

(a) MUST BE APPROVED BY THE ZONING ADMINISTRATOR.

(b) THE PARCEL IS MINIMUM OF 20 ACRES AND IS ZONED AND ASSESSED AGRICULTURAL AND GROSS AGRICULTURAL/COMMERCIAL SALES ARE AT LEAST \$15,000 ANNUALLY.

(c) MEETS THE SPECIFIC CRITERIA FOR THE USE.

(d) MUST BE OWNER OR TENANT OPERATED. EMPLOYEES MAY INCLUDE ONLY FAMILY MEMEBERS LIVING ON THE SITE AND NOT MORE THAN THE TOTAL OF 160 EQUIVALENT EMPLOYMENT HOURS BY OUTSIDE EMPLOYEES PER WEEK.

(e) MUST BE APPROVED TO PARTICIPATE IN THE U.S. DEPARTMENT OF AGRICULTURE COMMODITY CREDIT CORPORATION PAYMENT LIMITATION PROGRAM.

(f) SAFE AND ADEQUATE ACCESS SHALL BE PROVIDED FOR

1 VEHICULAR TRAFFIC, TO BE DETERMINED BY THE STATE HIGHWAY
2 ADMINISTRATION OR HARFORD COUNTY.

3 (g) HOURS OF OPERATION ARE PERMITTED BETWEEN 6:00
4 A.M. AND 10:00 P.M. UNLESS OTHERWISE SPECIFIED.

5 (h) ANY LIGHTING SHALL BE SHIELDED AND DIRECTED AWAY
6 FROM ANY OFF-SITE RESIDENCE AND MAY BE USED ONLY DURING PERMITTED
7 HOURS OF OPERATION.

8 (i) BUILDINGS IN WHICH ANIMALS ARE HOUSED SHALL
9 COMPLY WITH SECTION 267-34D(1).

10 (j) SETBACKS FOR THESE USES SHALL BE A MINIMUM OF 100
11 FEET FROM ANY ADJACENT RESIDENTIAL LOT EXCEPT FOR ROAD FRONTAGE.

12 (k) WRITTEN APPROVAL FROM THE RECORD OWNER IS
13 NECESSARY IF SOMEONE OTHER THAN THE RECORD OWNER IS OPERATING THE USE.

14 (l) TENANT FARMER/TENANT OPERATOR IS AN INDIVIDUAL OR
15 BUSINESS ENTITY THAT IS ACTIVELY PRODUCING OR MANAGING LIVESTOCK,
16 CROPS OR OTHER AGRICULTURAL PRODUCTS AND IS NOT THE OWNER OF THE
17 PROPERTY BEING FARMED. AGREEMENT FOR THIS USE IS USUALLY COMPENSATED
18 BY A CONTRACT FOR RENT, LEASE OR ON A CROP SHARING BASIS.

19 (2) AMUSEMENTS.

20 (a) COMMERCIAL RIDING STABLES. PARKING SHALL BE A
21 MINIMUM OF 100 FEET FROM PROPERTY LINES EXCEPT ROAD FRONTAGE AND 200
22 FEET FROM ANY OFF-SITE RESIDENCE.

(b) PRIVATE PARTIES AND RECEPTIONS.

[1] UNLESS LOCATED ENTIRELY WITHIN AN ENCLOSED BUILDING, THIS USE SHALL NOT BE LOCATED LESS THAN 100 FEET FROM ANY LOT LINE EXCEPT ROAD FRONTAGE AND 200 FEET FROM ANY OFF-SITE RESIDENCE.

[2] ADEQUATE PARKING SHALL BE PROVIDED ON-SITE AND SCREENED FROM ANY OFF-SITE RESIDENCE.

[3] HOURS OF OPERATION ARE NOT PERMITTED BETWEEN 12:00 MIDNIGHT AND DAWN.

(3) INDUSTRIAL USES ASSOCIATED WITH AGRICULTURAL USES AS PROVIDED FOR IN THE USE CHARTS.

(a) ANY NEW BUILDINGS OR ADDITIONS SHALL BE LOCATED A MINIMUM OF 100 FEET FROM ANY LOT LINE EXCEPT ROAD FRONTAGE AND 200 FEET FROM ANY OFF-SITE RESIDENCE. EXISTING BUILDINGS SHALL BE EXEMPT.

(b) OUTSIDE STORAGE IS PERMITTED PROVIDED IT IS A MINIMUM OF 200 FEET FROM ANY OFF-SITE RESIDENCE AND SCREENED PURSUANT TO SECTION 267-28D.

(4) MOTOR VEHICLE.

(a) COMMERCIAL OR CONSTRUCTION VEHICLES AND EQUIPMENT STORAGE USED IN THE FARMING OPERATION AND OWNED BY THE FARMER OR TENANT OPERATOR SHALL BE LOCATED NOT LESS THAN 100 FEET FROM ANY PROPERTY LINE EXCEPT ROAD FRONTAGE AND 200 FEET FROM ANY OFF-SITE RESIDENCE AND SCREENED PURSUANT TO SECTION 267-28D(2). THE INCOME

PRODUCED THROUGH THE USE OF THESE VEHICLES AND EQUIPMENT FOR OTHER THAN FARMING OPERATION SHALL NOT EXCEED MORE THAN 50% OF THE GROSS ANNUAL INCOME FOR THE FARMER OR TENANT OPERATOR BASED ON A CALENDAR YEAR.

(b) FARM VEHICLES AND EQUIPMENT STORAGE AND SERVICE.

[1] FARM VEHICLES OR PIECES OF EQUIPMENT MAY BE LOCATED ON THE FARM PROPERTY.

[2] STORAGE OF THESE VEHICLES OR EQUIPMENT FOR REPAIR SHALL BE A MINIMUM OF 200 FEET FROM ANY OFF-SITE RESIDENCE AND SCREENED PURSUANT TO SECTION 267-28D.

(c) SCHOOL BUSES. SCHOOL BUSES MAY BE LOCATED ON THE PROPERTY NOT LESS THAN 100 FEET FROM ANY PROPERTY LINE EXCEPT ROAD FRONTAGE AND 200 FEET FROM ANY OFF-SITE RESIDENCE AND SCREENED PURSUANT TO SECTION 267-28D.

(5) RETAIL.

(a) FEED AND GRAIN STORAGE AND SALES.

[1] ADEQUATE ON-SITE PARKING SHALL BE GRAVEL COVERED AND A MINIMUM OF 100 FEET FROM ANY LOT LINE EXCEPT ROAD FRONTAGE AND 200 FEET FROM ANY OFF-SITE RESIDENCE.

[2] HOURS OF OPERATION ARE PERMITTED BETWEEN 6:00 A.M. AND 10 P.M. UNLESS OTHERWISE SPECIFIED.

(6) SERVICES.

(a) VETERINARY PRACTICE, LARGE ANIMALS.

[1] HOURS OF OPERATION SHALL NOT BE LIMITED FOR
THIS USE.

[2] SETBACK OF 100 FEET FROM ANY LOT LINE EXCEPT
ROAD FRONTAGE AND 200 FEET FROM ANY OFF-SITE RESIDENCE.

(7) RESTAURANTS.

(a) SHALL NOT HAVE SEATING CAPACITY TO ACCOMMODATE
MORE THAN 30 PATRONS.

(b) ANY LIGHTING SHALL BE SHIELDED AND DIRECTED AWAY
FROM ANY OFF-SITE RESIDENCE AND MAY BE USED ONLY DURING PERMITTED
HOURS OF OPERATION.

(c) ADEQUATE ON-SITE PARKING SHALL BE GRAVEL COVERED
AND A MINIMUM OF 100 FEET FROM ANY LOT LINE EXCEPT ROAD FRONTAGE AND 200
FEET FROM ANY OFF-SITE RESIDENCE.

(d) SHALL NOT BE IN OPERATION BETWEEN 10:00 P.M. AND 7:00
A.M.

Section 2. And Be It Further Enacted, That this Act is hereby declared to be an emergency act,
necessary to reenact the law concerning additional agricultural and commercial uses that was
unintentionally repealed so as to prevent these uses from being nonconforming uses, and this Act shall
take effect on the date it becomes law.

EFFECTIVE: January 9, 2004

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

Barbara J. Ruth

Council Administrator

HARFORD COUNTY BILL NO. 03-64

Brief Title Zoning – Agriculture/Commercial Uses

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. Ruth
Council Administrator

Date January 6, 2004

ENROLLED

Robert S. Wagner
Council President

Date January 6, 2004

BY THE COUNCIL

Read the third time.

Passed: LSD 04-01

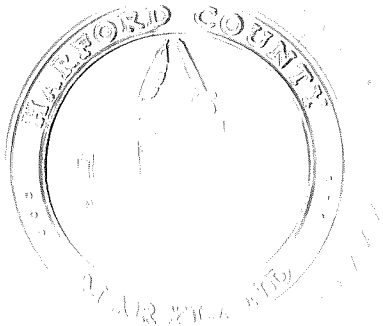
Failed of Passage: _____

By Order

Barbara J. Ruth
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of January, 2004 at 3:00p.m.

Barbara J. Ruth
Council Administrator



BY THE EXECUTIVE

James M. Harbino
COUNTY EXECUTIVE

APPROVED: Date 1-9-04

BY THE COUNCIL

This Bill No. 03-64, having been approved by the Executive and returned to the Council, becomes law on January 9, 2004.

EFFECTIVE DATE: January 9, 2004

Barbara J. Ruth
Barbara J. Ruth, Council Administrator